

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Bridget Manick,)	Civil Action No.: 8:12-cv-00012-GRA-JDA
)	
Plaintiff,)	
)	
vs.)	<u>REPORT AND RECOMMENDATION</u>
)	<u>OF MAGISTRATE JUDGE</u>
Red Lobster Inns of America, Inc.,)	
d/b/a Red Lobster,)	
)	
Defendant.)	
)	

This matter is before the Court on a motion to dismiss filed by Defendant. [Doc. 18.] Plaintiff brought this action in the South Carolina Court of Common Pleas for Anderson County, alleging claims of race discrimination, hostile work environment, and retaliation pursuant to Title VII of the Civil Rights Act. [Doc. 1-1.] Upon Defendant's removal to this Court [Doc. 1], the parties filed a joint stipulation to compel arbitration, contending a "Dispute Resolution Process Acknowledgment" form signed by Plaintiff requires the arbitration of claims arising out of her employment agreement [Doc. 6 ¶¶ 4–5]. On January 5, 2012, the Court issued an Order that Plaintiff's entire action be compelled to arbitration, and the action was stayed pending resolution in arbitration. [Doc. 8.]

On September 17, 2012, Defendant advised the Court that, on September 7, 2012, the arbitrator filed an order dismissing Plaintiff's claims with prejudice and terminating the arbitration proceeding. [Doc. 14.] On September 19, 2012, the Court lifted the stay on this action. [Doc. 16.] Also on September 19, 2012, Defendant filed the motion to dismiss now before the Court, contending Plaintiff's Complaint should be dismissed with prejudice because the arbitrator's order was a final judgment on the merits of Plaintiff's claims. [Doc. 18; see Doc. 18-1 (order dismissing arbitration).] To date, Plaintiff has failed to file a response to Defendant's motion.

Wherefore, based upon the foregoing, including the parties' agreement to arbitrate and the arbitrator's final decision dismissing Plaintiff's claims, the Court recommends Defendant's motion to dismiss be GRANTED.

IT IS SO RECOMMENDED.

A handwritten signature in black ink, appearing to read "Jacquelyn D. Austin". The signature is fluid and cursive, with the first name being the most prominent.

Jacquelyn D. Austin
United States Magistrate Judge

February 21, 2013
Greenville, South Carolina